IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

R.S.A. No. 564 of 2007 (O&M)
Date of Decision : March 23, 2007

Saranjit Bedi

... Appellant

Versus

Municipal Corporation, Faridabad
and others.

.. Respondents

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri Ashok Kumar Jindal, Advocate,
for the appellant.

PRITAM PAL , J.

This regular second appeal by the appellant, one of the plaintiffs, (hereinafter referred to as "the appellant"), is directed against judgment and decree dated 24.8.2006 passed by learned Civil Judge (Junior Division), Faridabad, whereby, suit for permanent injunction, pertaining to the suit property, marked as A B C D, for restraining the respondents/ defendants i.e.,Municipal Corporation, Faridabad (hereinafter referred to as "the defendants") was dismissed with costs, and judgment and decree dated 13.12.2006, passed by learned Additional District Judge, Faridabad, whereby, appeal filed by the appellant and proforma respondent Nos. 3 and 4, was also dismissed with costs.

Without going into the details, suffice it to say that both the courts below have come to the conclusion that in fact, the plaintiffs have failed to prove their case in the manner, as alleged in the plaint. A perusal of the impugned judgments and decrees also goes a long-way to show that the plaintiffs had not approached the courts below with clean hands. Rather, they had concealed the material fact that they (plaintiffs) had also encroached upon 10 Marlas of land, comprised in *khasra No.*42/2, belonging to the defendants. It is further evident that the said part of the land, belonging to the defendants, was got vacated from the plaintiffs in the year 1996-97. Both the courts below have given concurrent findings that in fact, by initiating the present litigation, the plaintiffs also wanted to grab the property of the defendants. The concurrent findings arrived at by the courts below are not perverse or unreasonable, in any manner. Learned counsel for the appellant also could not make out any substantial question of law for consideration by this Court.

Hence, this regular second appeal is dismissed *in limine.*

[PRITAM PAL]
JUDGE

March 23, 2007.
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CM No. 2564-C of 2007 in
R.S.A. No. 564 of 2007.

Present : Shri Ashok Kumar Jindal, Advocate,
for the applicant-appellant.

C.M.allowed.

Copy of Site Plan, filed with the C.M. is taken on record.

[PRITAM PAL]
JUDGE

March 23, 2007.
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